

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 19, 2010

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter,
Deputy Clerk.

Each of the following:

B219167 People v. Short
B220752 People v. Nelson
B216983 People v. Gonzalez
B218986 People v. Dominguez
B217503 People v. Hudson
B217904 People v. Guerra
B218030 In re: Robert S.
B218768 People v. Smith
B221596 In re Jessica S.
B222517 In re Brian G.
B221661 DCFS v. Nancy B.
B223626 People v. Aguilar
B216587 People v. Carter
B221523 Adoption of Iliana R.
B221852 In re Eric & Natalia S.
B217895 People v. Snyder

Argument waived, cause submitted.

B219421 Torretta
 v.
 Naltas

Merits:

Argued by Amy J. Cooper for appellant and by Vangi M. Johnson for
respondent. Cause submitted.

DIVISION TWO (continued)

B219083 Garcia, et al.
 v.
 La Golondrina, Inc. LTD

Merits:
Argued by Kristin L. Martin for appellants and by Aaron R. Lubeley for respondent. Cause submitted.

B217683 People
 v.
 Mendez and Ramos

Merits:
Argued by Melanie K. Dorian for appellant Mendez. Counsel for appellant Ramos and counsel for respondent waived oral argument. Cause submitted.

B214894 People
 v.
 Craig

Merits:
Argued by Jennifer Lynne Peabody for appellant and by E. Carlos Dominguez, Deputy Attorney General for respondent. Cause submitted.

B213328 People
 v.
 Taylor

Merits:
Argued by Tracey Dressner for appellant and by Michael Keller, Deputy Attorney General for respondent. Cause submitted.

DIVISION TWO (continued)

B219028 Greene
 v.
 Volunteers of America

Merits:
Argued by Ryan W. Rutledge for respondent and there being no appearance
by appellant, cause submitted.

B213717 Greenberg et al.
 v.
 City of LaCanada Flintridge, et al.

Merits:
Argued by Michael M. Berger for appellants and by Daniel P. Barer for
respondents. Cause submitted.

B218544 Winston
 v.
 Fink, et al.

Merits:
Argued by Dennis A. Winston appellant, in propria persona and by Herman
S. Palarz for respondents. Cause submitted.

B214008 Tony Agbara
 v.
 Bad Boys Bail Bonds, Inc.

Merits:
Argued by Chijioke O. Ikonte for appellant Tony Agbara and by Jeffrey M.
Cohon for appellant Bad Boys Bail Bonds, Inc. Cause submitted.

Court recessed.

DIVISION TWO (continued)

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter,
Deputy Clerk.

B224880 Curt Schlesinger, et al.
 v.
 Superior Court, Los Angeles County
 (Ticketmaster)

Merits:

Argued by Robert J. Stein III for petitioners and by Jeff E. Scott for real
party in interest. Cause submitted.

B210429 Pearline Zalewa, et al.
 v.
 Tempo Research Corporation, et al.

Merits:

Argued by Ellen Beth Goldsmith for appellants Pearline Zalewa, et al. and
by Robert A. Brundage for appellants Tempo Research Corporation, et al.
Cause submitted.

B221236 Joseph D. Joseph
 v.
 State Bar of California

Merits:

Argued by Joel D. Joseph, appellant in propria persona and by Daniel A.
Zaheer for respondent. Cause submitted.

DIVISION TWO (continued)

B215901 James Weiss, et al.
v.
Astrazeneca Pharmaceuticals, et al.

Merits:

Argued by Craig R. Spiegel for appellants and by Mark E. Haddad for respondents. Cause submitted.

Court adjourned.

B215894 Duenas, et al. (Not for Publication)
v.
Workers Compensation Appeals Board

We hold Ayala was not a covered employee within workers' compensation plan. The decision of the Board is annulled. Respondent Ayala's request for attorney fees and costs pursuant to section 5801 is denied.

Boren, P.J.

We concur: Doi Todd, J.
Chavez, J.

B219789 Unger
v.
McCloskey

Filed order denying petition for rehearing.

B219213 Pinchuk
v.
City of Los Angeles

Filed order denying petition for rehearing.

DIVISION THREE

B215203 People (Not for Publication)
v.
Anthony Lewis Moreno

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

[illegible]

The judgment (order granting Probation) is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B214084 County of Los Angeles (Not for Publication)
v.
Lexington National Insurance Corporation

The order is affirmed. Appellant to bear costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (continued)

B221456 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Lydia A.

The orders of the juvenile court placing Adam V. in the home of father and restricting mother's visitation are reversed. The matter is remanded for a new hearing on these issues at which mother shall be permitted to present evidence and cross-examine the social worker.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B220949 Los Angeles County, D.C.F.S. (Not for Publication)
v.
C.P., Sr.

The order of the juvenile court is modified to strike the jurisdictional finding s to Carlos P., Sr., under section 300, subdivision (g) and in all other respects is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B215777 New Charter Middle School (Certified for Publication)
v.
Los Angeles Unified School District, et al.

The judgment is modified to reflect a damages award of \$187,356. As modified, the judgment is affirmed. The order denying attorney fees is affirmed. Each party shall bear its own costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION THREE (continued)

B214458 Vannix-Serina (Not for Publication)
v.
Pacific Life Insurance Company, et al.

The judgments of dismissal in favor of Fidelity and Pacific Life are affirmed. The judgment of dismissal in favor of World is reversed with respect to plaintiff's first cause of action for fraud and intentional deceit and second cause of action for negligent misrepresentation. The trial court is directed to grant plaintiff leave to amend her first and second causes of action. The judgment of dismissal in favor of World is also reversed with respect to plaintiff's third cause of action for constructive fraud, sixth cause of action for violation of Business and Professions Code section 17200 et seq., eighth cause of action for money had and received, and ninth cause of action for elder abuse. The judgment of dismissal in favor of World is affirmed with respect to plaintiff's fourth cause of action for conversion, fifth cause of action for civil conspiracy, and seventh cause of action for breach of the implied covenant of good faith and fair dealing. The parties are to bear their own costs.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

B207007 Hayden (Not for Publication)
v.
Hayden

The elimination of credit for Timothy Hayden's preliminary distribution and the surcharge for lost rental income are reversed; the matter is remanded to the trial court with directions to issue a statement of decision that addresses the issues of laches and unclean hands as they relate to the surcharge for lost rental income and to grant such other relief as may be appropriate under the circumstances. In all other respects, the order under review is affirmed. The parties shall bear their own costs on appeal.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (continued)

B216652 South Beverly Park Homeowners Assoc. (Not for Publication)
 v.
 North Beverly Park Homeowners Association, Inc.

The judgment is affirmed. Respondents shall recover their costs on appeal.

Klein, P.J.

I concur: Kitching, J.
I dissent: Croskey, J. (Opinion)

B214396 People (Not for Publication)
 v.
 David E. Cortez

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

B215982 People (Not for Publication)
 v.
 Elice Guthrie

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

August 19, 2010 (Continued)

DIVISION THREE (continued)

B211685 People (Not for Publication)
v.
Gerardo Olmos

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FIVE

B226377 Los Angeles Times Communications (Not for Publication)
v.
Superior Court, Los Angeles County
(The People, r.p.i.)

The petition is granted. The superior court is directed to vacate its August 4, 2010 order prohibiting petitioner from publishing lawfully obtained photographs, as well as its August 5, 2010 order denying petitioner's request to vacate the August 4, 2010 order. Pursuant to California Rules of Court, rule 8.490 (b)(3), this opinion will become final after three court days. Each party to bear own costs.

Kumar, J. (Assigned)

We concur: Armstrong, Acting P.J.
 Kriegler, J.

DIVISION SIX

B216235 Susan Bradford (Not for Publication)
 v.
 Dirk Winter et al.

The \$102,000 judgment against Winter is reversed. The \$1,177,752.86 successor liability judgment against PCI is affirmed. The parties shall bear their own costs on appeal. The clerk of this court is directed to transmit a copy of this opinion to the Commissioner of Corporations.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

B222655 People (Not for Publication)
 v.
 Francisco Jubenal Delgado

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

B216323 Radford (Certified for Publication)
 v.
 Shehorn

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

DIVISION SIX (continued)

B222891 Manuel W., Sr. (Not for Publication)

v.

Santa Barbara Superior Court
(Santa Barbara Co. Child Welfare Serv.)

The petition for extraordinary writ is summarily denied. In light of the need to promptly proceed with the section 366.26 hearing, our decision is immediately final as to this court. (Cal. Rules of Court, rule 8.264(b)(2).)

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B215188 People

v.

Sutherland

Filed order vacating submission order of 06/17/10. The court requests supplemental briefing. This matter will stand submitted on September 9, 2010.

DIVISION SEVEN

B206625 Roberto Anaya Rios (Not for Publication)

v.

City of Los Angeles and County of Los Angeles

The judgment is affirmed. The City and County are entitled to their costs of appeal.

Woods, J.

We concur: Perluss, P.J.
 Zelon, J.